

**TOWN OF NEW WINDSOR
OFFICE OF THE PLANNING BOARD**

**WEDNESDAY -- MAY 9, 2007 - 7:30 PM
TENTATIVE AGENDA**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MARCH 28, 2007

ANNUAL MOBILE HOME PARK REVIEW:

- a. Cintron Mobile Home Park
- b. Saris Mobile Home Park

ZBA REFERRAL:

- 1. **BLOOM & BLOOM SITE PLAN AMENDMENT (07-13) RT. 94** Proposed building addition to existing office building.

PUBLIC HEARINGS:

- 2. **LISA BROWN SITE PLAN & SPEC. PERMIT (06-31) QUASSAICK AVE. (BROWN)** Proposed home professional office (acupuncture & massage therapy).
- 3. **JERRY'S CLIMATE CONTROL (07-07) NYS RT. 300 (ZIMMERMAN)** Proposed climate control self storage mini warehouse building, 78,400 s.f. on four floors.

REGULAR ITEMS:

- 4. **VAILS GATE BUSINESS PARK (06-32) FORMER TARKETT (DePUY)**
- 5. **WINDSOR GATE PLAZA EXPANSION AMENDED SITE PLAN (07-09) RT. 94 (CAPPELLI)** Proposed 8,940 s.f. retail/office building addition to existing building.

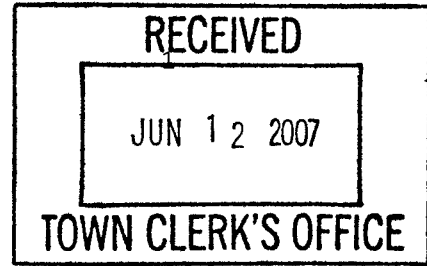
DISCUSSION

- 6. **JOE BONURA - PARKING CARS ON RIVER ROAD**
- 7. **RPA SITE PLAN (Multi-Family Development) EPIPHANY DRIVE (off of Rt. 32)**
Update Board on proposed plan and SEIS Status.

ADJOURNMENT

(NEXT MEETING - MAY 23, 2007)

May 9, 2007



TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 9, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATES: HENRY SCHEIBLE

ALSO PRESENT: ERIK DENEGA
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the May 7, 2007 planning board meeting for the Town of New Windsor. With us tonight is Michael Babcock, Dominic Cordisco is here, Erik Denega is here representing McGoey as Mark Edsall had to leave town to handle an emergency today, Neil Schlesinger, Howard Brown, Danny Gallagher, Hank Van Leewuen and myself. With that, we'll get started. Has everybody had a chance to read the minutes dated

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March 28, 2007? I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board accept the minutes as written for March 28, 2007. If no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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ANNUAL_MOBILE_HOME_PARK_REVIEWS:

CINTRON_MOBILE_HOME_PARK

MR. ARGENIO: First on our agenda for our regular items is annual mobile home park for Cintron Mobile Home Park. Somebody here to represent this? Seeing as there's no hands, we'll table that till later in the meeting.

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SARIS_MOBILE_HOME_PARK

MR. ARGENIO: Saris Mobile Home Park. Anybody here to represent this? We'll table that as well.

ZBA_REFERRAL:

BLOOM_&_BLOOM_SITE_PLAN_AMENDMENT_(07-13)

MR. ARGENIO: Bloom & Bloom site plan amendment, 530 Blooming Grove Turnpike. This application proposes addition to the rear of the existing attorney's office. Plan was reviewed on a concept basis only. I see Mr. Bloom is here to represent this. What have you for us tonight, Mr. Bloom?

MR. BLOOM: Good evening, Mr. Chairman, members of the board. I'm going to take the liberty of attaching a copy of the proposed draft site plan. You'll notice that the particular map that was submitted to the board was not, did not contain a raised seal and that's because the matter was expedited and we were placed on the agenda this evening right after the workshop session last Thursday for which I thank the board. However, I do have sealed copies, raised sealed copies and I can provide them to the board after the presentation. But in the interest of time, I would just like to indicate that as you know, we have been practicing law at our building for quite some time, actually since 1972. And since then, we have made some modifications to it but the only exterior modification to the footprint occurred in 2003 when we came in for certain variances and we made an addition at that time. We're coming back now because my niece is about to join us in a year, she's in her last year of law school and we need some more room. And to that end, we had designed a proposed addition on the rear side of the parcel, as indicated, it would be 16 feet by 25 feet. It will be two levels, it would be a total of 800 proposed square feet. In reviewing the sketch plan with Mark Edsall last Thursday, he indicated, correct me if I misstate representative from McGoey & Hauser, but from according to my notes, I believe he indicated I needed only a variance this evening for the setback of the building. We have a 19 foot setback, whereas

the requirement I believe is 50 feet. There was also a potential for an application for need for a variance on the developmental coverage but I was told by Mark although he was going to explore it further I believe with the town that there was an apparent mistake in the code about the coverage in this zone and that he believed that it should only that it should be 80 percent developmental coverage permitted and we only have 67.

MR. DENEGA: That's the same correction Mark indicated on the plans, 80 percent, so I believe that's correct.

MR. BLOOM: So with that subject to input from this board obviously and the professionals I believe we're looking for a reference to the ZBA for just that one variance on the setback, the rear setback, the parking requirements I think were fulfilled because Mark indicated that the handicapped counts in the count giving us a total of 20 and we had a variance of 5 back in 2003.

MR. ARGENIO: Mike, the handicapped does count in the count, correct?

MR. BABCOCK: Absolutely.

MR. ARGENIO: Go ahead, Dan.

MR. BLOOM: So I believe at least I'm assuming based upon my conversation with Mark that I think I'm looking for a reference only on the issue of the setback, the rear setback subject to correction from their board.

MR. ARGENIO: Eric, do you agree with that?

MR. DENEGA: Mark's comment does have the reference but not the correction for the 80 percent, so if the 80 percent is the correct percentage, then the only variance that would be required would be for the

setback.

MR. BABCOCK: Yeah, when I talked to Mark, actually, I think when he was in the workshop and we believe that it's a typo that came in on the sheet and that it was supposed to be 80, I think the sheet says 20.

MR. ARGENIO: It's a typo. Mike, is there any anomalies here? You've been to the site, anything odd going on here with this application?

MR. BABCOCK: Nothing.

MR. ARGENIO: Do you guys have anything else with this my fellow members? I'll accept a motion we declare this application incomplete at this time.

MR. SCHLESINGER: I'd like to make a motion that the application is incomplete.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Bloom & Bloom site plan amendment is declared incomplete at this time which gives you the right now to appear in front of the zoning board, Mr. Bloom, if we vote in favor of that. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	ABSTAIN
MR. ARGENIO	AYE

MR. ARGENIO: You're going to the zoning board, check with Myra, she'll get you moving in the right

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direction.

MR. BLOOM: Thank you very much.

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SARIS_MOBILE_HOME_PARK

MR. ARGENIO: Mike, there was some problems at the Saris Mobile Home Park a couple years ago. I specifically remember Mr. Saris. How is the mobile home park nowadays?

MR. BABCOCK: The mobile home park is fine nowadays, he's corrected his problems and we're moving forward.

MR. ARGENIO: Okay, I'll accept a motion for one year approval.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board give one year extension to the Saris Mobile Home Park. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you. Do you have a check with you?

MR. SARIS: Yes, sir.

MR. ARGENIO: Let the record reflect that that approval is subject to Mr. Saris paying the fee in cash. I don't know what's driving that but Myra's here, there's something driving that, but if you can accommodate us we'd be grateful.

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MR. SARIS: I'll be back. Thank you.

LISA_BROWN_SITE_PLAN_(06-31)

Ms. Lisa Brown appeared before the board for this proposal.

MR. ARGENIO: Special use permit. Application proposes 643 square foot addition combined with the proposed use of a portion of the residence being utilized as a home professional office. The plan was previously reviewed at the 13 December, 2006 planning board meeting. The application is before the board for the mandatory public hearing at this time. Is there somebody here to represent this? Mrs. Brown, it's been a bit of time since you've been here, can you kind of refresh our recollection of the project and once you do that members will have a chance to comment and then we'll open it up to the public?

MR. BROWN: I don't know what page you want to see, this kind of shows you what the house looks like now, this is the house now without it so it's going to come off the back of the garage.

MR. VAN LEEUWEN: Going to keep the garage intact?

MR. BROWN: Yes, it's going to connect to the back of the house which is the kitchen area and there's going to be one room that's going to be used for a work room entrance that's going to come in for the little waiting area a work space, this is going to be like additional living space I'm going to use it for, I don't know, exercise equipment, whatever, laundry room and bathroom.

MR. ARGENIO: For the record, what business are you in?

MS. BROWN: Massage therapy and acupuncture.

MR. ARGENIO: Why don't you, as far as the site plan, why don't you put that up there so the public has an

opportunity to see it? Guys, we've seen this a couple times, pretty straightforward, I'm going to read one of Mark's comments here, number 2, I previously had several comments regarding the plan and the bulk table, all requested corrections have been included on this new plan. I also want to read this for the benefit of the members too and the public, we received comments from the County of Orange and Mark has even paraphrased for me a bit here, they're asking for renderings of the addition which she's given us, the board may wish to discuss if they believe this is reasonable, that's Mark's comment and we'll talk about that in a little while. And Mark goes on to say the board does not have architectural review authority, I'm not sure what the board's review authority is relative to the renderings. So having said that, does anybody here up on the dais have any comments that they'd like to discuss?

MR. SCHLESINGER: The only thing I question it's a home professional office which led me to believe that it's just an office, you know, you're going to have clients I guess, right?

MS. BROWN: Yes, one person at a time, usually.

MR. SCHLESINGER: For this type of space I don't think you're going to put five people.

MS. BROWN: I can't work with five people at once but I'd see one person at a time, there may be two cars if they overlap, if someone's early or running late.

MR. SCHLESINGER: Are you a licensed therapist?

MS. BROWN: Yes.

MR. SCHLESINGER: And are you allowed to have another person, you said this was for massage and another person performing your massages that's not licensed?

MS. BROWN: No, we have to be licensed.

MR. SCHLESINGER: So therefore you're the only one, you can't hire three other massage people and have five massages at one time?

MS. BROWN: No.

MR. SCHLESINGER: Just wanted to see what our exposure would be.

MR. ARGENIO: Anybody else?

MR. VAN LEEUWEN: No, I have none.

MR. ARGENIO: On the 26th day of April, 2007, 51 addressed envelopes went out containing notice of public hearing pertinent to this application. List was acquired from the assessor's office in the town. At this time, if anybody from the public would like to speak for or against this application, please raise your hand, be recognized, come forward and state your name. Inasmuch as there's no hands shown, I'll accept a motion to close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for the Lisa Brown home professional office. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

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MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: She's supplied the rendering, I wouldn't ask her, it's a very simple thing, she'd be a fool to construct the addition anything other than something similar to the house that's there already. Anybody have anything else?

MR. VAN LEEUWEN: Yeah, I'd like to make a motion for negative dec.

MR. ARGENIO: I think we did that already. No, we need that, okay.

MR. CORDISCO: I have prepared a written resolution to that effect.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the Lisa Brown home professional office. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Are we missing anything?

MR. CORDISCO: No, it's been referred to the County, County came back with its approval recommendation with the additional comments that she provide a rendering as you pointed out she went above and beyond and provided

renderings for the board. She's already received the variance that she needed from the ZBA, procedurally, the board's in a position to act. I have prepared a written resolution that grants special use permit and site plan approval.

MR. ARGENIO: Very good.

MR. VAN LEEUWEN: So moved, final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board vote for final approval to the Lisa Brown professional office and special permit on Quassaick Avenue. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

JERRY'S_CLIMATE_CONTROL_(07-07)

MR. ARGENIO: Next on tonight's agenda is Jerry's Climate Control on Route 300. This application proposes four story self-storage facility with the associated site improvements on 3 acre site on the north side of Route 300. The plan was previously reviewed at the 28 February, 2007 planning board meeting. This application is before the board for a public hearing. Mr. Zimmerman, I'm sure you heard what I said to Miss Brown, you are familiar with our procedures, please tell us about your project, tell us the changes you've made and we'll discuss it a bit then we'll open it up to the public.

MR. ZIMMERMAN: Okay, as the notes indicated, the project is for the construction of a 4 story climate controlled self-storage building, each floor would have about 19,000 square feet of storage space with a total of 550 units to be contained within the building. The building is 80 foot wide by 245 feet in length and the project site is located on Route 300. It adjoins Automotive Brake is on one side, there's a commercial office plaza to the south. The roadway directly across from this site is Hempsted Road, the total, the access to the site as I said was off of 300, it's depicted on the site plan as a single entrance and exit point coming in with full circulation, traffic circulation around the building. And for the storm water detention storm water control on the site we have provided a series of catch basins and storm water piping which will be directed to a storm water detention pond which is located near the front of the property and we have provided details as to the construction and size that's part of the set of plans. As I said, there's intended to be 55 parking spaces on this site, that's what the zoning law requires and there's an additional ten spaces at the rear of the building for additional outdoor storage for the project. The building itself we're providing for the board's review an architectural

elevation of the building as you can see.

MR. ARGENIO: His name is in letters.

MR. ZIMMERMAN: Owner's name is in letters. Again, basically, the set of plans that we have provided shows the entire site plan, we have provided landscaping, lighting details, grading plan, storm water drainage plan, erosion control set of plans in its entirety.

MR. ARGENIO: Have you done the SWPPP?

MR. ZIMMERMAN: We've done storm water pollution plan which we have submitted.

MR. ARGENIO: Have you looked at that?

MR. DENEGA: Mark references that on page 2, they have submitted and subsequently revised the plan pursuant to several comments from our office, final corrections remain.

MR. ARGENIO: I have a question, Mr. Zimmerman, that wall on the I guess northwest side of the property you don't show a fence on that, that's problematic without a fence I do believe.

MR. ZIMMERMAN: I believe that we do have a fence, I have a detail for a fence to be installed at the top of that wall.

MR. ARGENIO: I see a wood guardrail, that's not a fence.

MR. ZIMMERMAN: Well, I didn't think we needed a fence.

MR. ARGENIO: I think you need a fence, as a matter of fact, I'm not the building inspector, I think it's code, Mike, is it code over 4 feet?

MR. BABCOCK: Yeah, Mark is saying here that it appears to be ten feet high.

MR. ARGENIO: No, what I'm saying is I think our code is if the wall is over either four or five feet you need a fence, I think I remember that coming up at another meeting, I think there should be a fence there in addition to the guardrail, it's dangerous, it's ten feet high. I think, I mean, that's my opinion.

MR. VAN LEEUWEN: Not only that but you're going to get people jumping over the fence to damage vehicles.

MR. ZIMMERMAN: It's not over ten.

MR. SABINI: Chairman wants a fence so we're putting a fence.

MR. ARGENIO: I don't want to sound like a bully, there's four other guys.

MR. BABCOCK: We're going to request they have a fence there too.

MR. ARGENIO: Typically on those walls we require a fence if it's over five feet.

MR. SABINI: Do I have to put the privacy slats or just a regular fence, I mean--

MR. ARGENIO: What's your opinion?

MR. SABINI: It's not like a self-storage with the typical ones with the long buildings.

MR. ARGENIO: You're certainly putting up a nice building.

MR. SCHLESINGER: I don't think you need a privacy fence, I would like to see a chain link fence.

MR. SABINI: No, something, those things are ugly and you have, people can look through them and, you know.

MR. VAN LEEUWEN: There's nobody in the back going to be looking through there.

MR. SABINI: Just talking on the 245 foot.

MR. ZIMMERMAN: Just on this side.

MR. ARGENIO: Neil, do you take exception on the chain link?

MR. SABINI: Automotive Brake's parking lot it's the side of their building.

MR. BABCOCK: In Mark's notes it says we had previously recommended a split rail fence with black vinyl coated chain link mesh, that's what the board previously requested.

MR. SABINI: I can do that. How high does the fence have to be?

MR. BABCOCK: I think 48 inches.

MR. ARGENIO: Okay, good. I have another little small issue, maybe this comes from my background, I really have a problem and I voiced this opinion before on this board with these walls that are going up all over town, I know we're getting more and more cramped for space, people are trying to utilize their property better and better with these walls, certainly it's not unlawful to use these walls but I think you should make sure that when you get this wall designed and this is not meant to impune you, Mr. Zimmerman, you should employ the services of an engineer, professional engineer that does walls for a living and it's not difficult because typically the block suppliers for the SMU walls they

have people that they work with and they can give you a stamped drawing for like 15 cents a foot.

MR. SABINI: I've done that before.

MR. ARGENIO: I think that's important.

MR. SABINI: Do I have the option for expense wise ever see those walls that the blocks are pretty good size?

MR. ARGENIO: Are you referring to the style of wall that's at Guardian on Route 32?

MR. SABINI: Yes, maybe not as big as those but something similar.

MR. VAN LEEUWEN: Eighteen inches high and three feet long.

MR. SABINI: I don't want to use the unilock walls.

MR. ARGENIO: I thought that's what you were going to use. I think Guardian looks nice.

MR. SABINI: Yeah, I think it looks nice.

MR. ARGENIO: I don't know whose blocks, they're with the top stone.

MR. SABINI: They're inexpensive too, okay.

MR. ARGENIO: I think it's a good idea.

MR. SABINI: Okay.

MR. ARGENIO: You know what you do too when you put that on there give us the manufacturer of those block, I think it may be Dick's Concrete or somebody out near Middletown, just let us know, I don't know who it is.

MR. SABINI: Need a stamped plan too, right, we need that for the building plan, not for you guys?

MR. VAN LEEUWEN: Building inspector.

MR. SABINI: All right.

MR. BABCOCK: On page 5 of 8 they've got a detail of the regular block you're going to have to change that.

MR. ZIMMERMAN: Yeah.

MR. ARGENIO: I think he's on that.

MR. SCHLESINGER: On the north side of the building says non-climate controlled garage units.

MR. SABINI: They're the ground floor units where you can drive a car in or motorcycle or snowmobile.

MR. SCHLESINGER: You can put something else in there, no?

MR. SABINI: Whatever you want, you're not going to use an elevator.

MR. SCHLESINGER: Ground level north side non-climate controlled.

MR. SABINI: There's climate control on the gable ends.

MR. SCHLESINGER: On the north side of the building the long side right there those are non-climate controlled garage units?

MR. SABINI: Yes.

MR. SCHLESINGER: So if people could back in and out there, they're what, 10 x 20, something like that?

MR. SABINI: Exactly, you can drive in those.

MR. SCHLESINGER: The other question I have is on the that's north this has got to be the east side of the building it says ten proposed outdoor storage and then it says parking.

MR. SABINI: That's for boats and RVs but I only have ten of them.

MR. SCHLESINGER: That's outdoor parking, that's, there's no structure there, it's just a space that you could rent to keep your boat or RV.

MR. SABINI: Yes.

MR. ARGENIO: We discussed this at the last meeting, do you know what my question is going to be?

MR. SABINI: No, I don't.

MR. ARGENIO: About the outdoor storage, somebody, I think it was Neil commented on the fact that the outdoor storage out on the corner of Toleman and 207 does not specifically look that appealing, we talked about a way of you screening that in some fashion. Have you thought about that?

MR. SABINI: No, no because I only have ten of them and they're in the back of the building, way back, they're way in the back about 600 feet from the main road.

MR. BROWN: Can't see it from the main road.

MR. DENEGA: I want to point out you're referencing the parking spaces, correct?

MR. SABINI: I'd like to have 40 of them.

MR. DENEGA: That's what I mean, outdoor, Mark's item

number 4 first bulleted item references the following, enclosing or screening of the 10 outdoor storage spaces at the rear.

MR. ARGENIO: I think he's got a good point, it's 600 feet from the highway.

MR. SCHLESINGER: Why would you rather have 40?

MR. SABINI: Cause it's free revenue, basically, it's a paid parking lot, you know what I mean?

MR. SCHLESINGER: Why don't you make the building smaller?

MR. SABINI: No, the land's too expensive, no, no.

MR. ARGENIO: I'd like to go through a couple things relative to the County and open it up to the public for comment. Orange County Planning has some comments, I think you're going to have to seriously consider the first one, they're recommending relocation of the driveway. We have a disapproval from the DOT. I don't know if you have a copy of that, we have a disapproval, what both agencies are recommending and I quite frankly tend to agree is to line up those two streets, line up your entrance with I think Hempsted across the street.

MR. SABINI: They told us not to do that.

MR. ZIMMERMAN: I met the representative at the site, we discussed that and the impression I got what she had said was that for in this use it wouldn't be an issue especially since the Hempsted is not, you know, a through street, it's not a heavily traveled street.

MR. ARGENIO: The proposed driveway location as shown on the subject plan is not acceptable, the subject driveway should be positioned directly opposite New Hempsted Road and that's from Sibby.

MR. ZIMMERMAN: She wrote that?

MR. ARGENIO: Irsisa Idoso (phonetic) wrote it and she's got Sibby's address on there.

MR. ZIMMERMAN: Writing it to Sibby?

MR. ARGENIO: No, she's writing it to Edsall, I'll give you a copy.

MR. SABINI: Sibby wrote that letter?

MR. ARGENIO: I'll give you a copy of the letter.

MR. ZIMMERMAN: Yes.

MR. SABINI: She flipflopped.

MR. ARGENIO: Maybe she changed her mind, I think she's right because you can't build intersections that are offset by 16, 18, 20 feet, it's not reasonable, either you have to get away from New Hempsted Road or line yourself up with it, one of the two.

MR. BABCOCK: DOT also disapproved.

MR. ARGENIO: That's what I was reading from DOT. County said to show the location of the historic buildings. I don't think it would be too much trouble for you to put on your location plan couple dots on the location plan. This is a good one, Jerry Sabini, the county strongly recommends that the applicant be required to include pedestrian sidewalks within the design along Route 300 to connect to those existing for most of the street frontage along the road that already exists. I don't think you have to worry about that unless somebody else feels differently, there's no sidewalks on 300.

MR. SCHEIBLE: There is so sidewalks so why don't we continue them.

MR. ARGENIO: It's not easy sometimes for the, for my fellow members, we'll have a chance to comment on this again, he does have a little bit of work to do here, I think I like the building, I think it looks good, it's nice but we'll get into some other things. I'd like to open it up to the public, give them a chance. The letter date is April 16, 2007. On the 26th day of April, 2007, five addressed envelopes containing the notice of public hearing pertinent to this application went out. This was provided by the Town of New Windsor Planning Board assessor's office. If there's anybody here that would like to speak for or against or comment on this plan we certainly would like to hear from you. Please raise your hand, be recognized and come forward, state your name for the stenographer.

MR. WILLIAMS: Kirk Williams, Riley Road. I will see this property directly from my property across the valley, my property, part of it is part of the original Cantonment and entire valley I believe is in an historic overlay district, what considerations have been thought about for historic overlay district for this property?

MR. ARGENIO: Dominic, do you, can you shed some light on that? This in the district, is it not?

MR. CORDISCO: I'm not sure whether it's in the district or not but in terms of consideration the purpose of the public hearing is to open up comments to the public so that comments such as this one can be introduced and we can evaluate.

MR. ARGENIO: Excellent. Go ahead.

MR. WILLIAMS: The other thing I would have to question is fire protection of that building in terms of ladder

truck, the building I believe is 80 by 245, did I hear how do you intend to get full coverage with a ladder truck on that building?

MR. ARGENIO: We certainly will require the applicant to comply with the fire code and I can read this to you here, we have input, we have received input from the fire inspector. The size of the building requires sprinkler system and alarm system and the height of the building will require a standard pipe system, doesn't say it is approved but it does tell the applicant what he's required to do. It does say approved, I'm sorry, I missed that, so he's been told by the fire inspector what he needs to do to make that building comply.

MR. WILLIAMS: Town also require to have full coverage with a ladder truck though the center of the building if it gets on fire and the fire sprinkler system fails what fire protection do you have? Just do the math, look at the side lot clearance.

MR. ARGENIO: I can't do the math, this is why we have professional firemen who actually do this for a living making these recommendations cause there's nobody up here at least not that I know of that has the ability to make that assessment whether it's safe or whether it's not safe.

MR. WILLIAMS: Thank you.

MR. ARGENIO: Anybody else?

MR. STEIDLE: Bill Steidle. I appreciate the opportunity to speak tonight. My name is Bill Steidle, I live on Jackson Avenue, Town of New Windsor. I speak as a private resident and opinions I express are my opinions only. The first thing I think I have mentioned to the board previously you have a big responsibility under the State Environmental Quality Review Act, Dominic certainly knows that as well.

SEQRA requires, incidentally, it's not to slight Mr. Zimmerman, SEQRA requires among other things that the board consider visual anesthetic impacts, it requires that the board consider impacts on historic resources, historic district and historic facilities and it requires that the board consider impacts on community character. I reviewed the file on Monday and to my dismay there was no information in the file dealing with visual impacts, historic resources or impacts on community character. In fact, the file was limited basically to a site plan and to an environmental assessment form, just Part 1, there was no Part 2 completed nor was there any Part 3 completed. Now I don't want to be overly critical but this issue has come up previously, it's my belief that the public hearing tonight is premature, that it should not have been scheduled until the applicant is required to provide appropriate environmental evaluations and studies that are necessary under the State Environmental Quality Review Act. Now what happens when a public hearing is premature, basically, it locks you into a timeframe, your counsel has told you that previously but worse than that, it's going to eliminate my ability to comment on any data that's subsequently provided and I think that that's wrong. Now I will tell you that from my perspective the building that's being proposed will have significant impacts, it's 48 feet tall, it's much higher than the surrounding landscape, the buildings that adjoin it are one story, everything on that road is one or two story. You're going to be consumed by a four story plus building when you drive south on Route 300 going to the Cantonment, going to Knox Headquarters, going to the Edmonton House you're going to be consumed by the sight of the building heading north to the Thruway interchange. Now make no mistake the building is also a big structure, the building is almost the length of a football field, you're talking a building that's over 80 yards long, that's, I'm telling you, you know, you can visualize what it's going to be as you drive up and down 300 to

see a four story building the length of a football field. I think that's why visual assessments are required, that's why you need consideration of this project on community character, how it fits in, that's why you need information on how this may or may not be compatible with the historic district and it is in a historic district, it's in a historic district that you people adopted. Now again I don't want to take pot shots but I bring this up because it's been, it was raised at the first meeting, it was raised a little bit tonight, it's a second facility on Toleman Road for years I've wanted to tell somebody that I think that place is the tackiest place that you can possibly find with the fake peaks on some of the buildings, not on the others, and to my way of thinking, it was inconsiderate of the residences across the road, lack of screening and landscaping on that facility.

MR. ARGENIO: Bill, I'm not going to cut you off but I want to stay on this project and I certainly want to hear what you have to say.

MR. STEIDLE: I read the minutes, half of the meeting last time talked about Toleman Road and now I bring it up for that reason only and I'm not taking pot shots, I think it could have been a decent facility but, you know, if that's what we're going to get we can do better. So in my opinion, what the board should do and I base this on 30 years of doing exactly what you're supposed to be doing, the first is to require a visual assessment of the project. Now you can get consultants, visual consultants that are the same as traffic consultants and other consultants they can do a good job, they'll show you, be able to prepare an evaluation that will allow us to see what this site will in fact be when it's completed, if it is completed. That assessment should include photo simulations very easily done showing what the landscaping is now, what it will look like when the building is done, should be one south on Route 300,

north on Route 300 and one catty-corner across the road from Schlesinger's parking lot cause you're going to see that when you're walking out of that place and that building hits you. The second thing that I think you should do is require an evaluation of the compatibility of this project with historic resources. It is a historic district, we know that there are historic facilities both ways, there's the Cantonment, there's the Purple Heart Museum, there's Knox Headquarters, there's the Edmonton House the other way there's the Patton House where the canine facility is that also is a historic structure. And the third thing that I ask that you do is not to close the public hearing. I want the opportunity to evaluate the environmental studies for this project that should have been provided and I want the opportunity to present my views to a public hearing, I don't want to do it at a planning board meeting at the end of the meeting, I want the opportunity to speak at a public hearing. And I should not be penalized because the data was not in the file. I appreciate your time.

MR. ARGENIO: Thank you, Bill. Miss Newlander?

MS. NEWLANDER: Diane Newlander, Lanis Avenue in New Windsor. I reviewed the file on Monday as well and at that time there was no picture of what the building was going to look like and I too noted that there are many areas that are required to be evaluated that were not addressed. Among these deficiencies are evaluations of the areas of significant visual and aesthetic impacts, historic resources, transportation, character of the community and neighborhood and even open space and recreation, none of those were addressed in this project. And it says in the file is acknowledged to be in the historic overlay, in addition to the Cantonment, National Purple Heart Hall of Honor is just down the road. These are important historic and economic resources for New Windsor, tourism is the second largest industry in New York, people from all over the

country come to these facilities. Since I hadn't anything to really visualize, I didn't visualize the two story storage place on Route 32 by Union Avenue.

MR. ARGENIO: Guardian?

MS. NEWLANDER: Right, so this is going to be twice as big and twice as tall and I just, you know, that is such a terrible visual impact to me. What is it going to do for New Windsor economically? It's going to give five jobs created during construction, two upon completion. New York State Environmental Quality Review Act requires every state and local agency in New York to give equal consideration to environmental protection, human and economic resources when considering proposed acts such as adopting the land use plan. This project requires further evaluations on the impacts mentioned above and I agree with Bill that the public hearing should remain open until this process is complete.

MR. ARGENIO: Anybody else?

MR. WILLIAMS: Is this the parcel that's been clear cut?

MR. ARGENIO: Yes.

MR. WILLIAMS: Why was it clear cut? Is that allowed by the town? I thought we make people go back and put a lot of trees and things in later.

MR. BABCOCK: Well, there's a landscape plan, I don't know what number it is, there's a landscape plan, we'll make sure that he plants and puts back once the board approves it.

MR. WILLIAMS: Why were they allowed to cut down the trees over a certain caliper before it was approved? Why were they allowed to remove trees over a certain

caliper with no approved plan?

MR. ARGENIO: Until they come in front of the planning board once you're in front of the planning board you can't do any work on your property, that's the law. Am I correct?

MR. BABCOCK: That's correct.

MR. ARGENIO: So at this point in time, he's precluded from doing anything else on that property until this process is complete, final approval.

MR. WILLIAMS: Town Code allow trees over certain caliper to be taken down without permits?

MR. ARGENIO: Don't have the town--

MR. WILLIAMS: Be very surprised if it did.

MR. ARGENIO: I don't have the Town Code memorized.

MR. WILLIAMS: It looks like a war zone there now it's too late.

MR. ARGENIO: Mike, do you have any information?

MR. BABCOCK: No, I don't know anything that precludes him from taking the trees down.

MR. WILLIAMS: What provisions are made to prevent that?

MR. ARGENIO: Mike just answered that, he's going to come up with a landscaping plan that's going to work and be acceptable to this board that's going to make the property look decent like we do with every other applicant.

MR. WILLIAMS: What happens in the interim for erosion

control?

MR. ARGENIO: To the best of my knowledge, the property hasn't been stumped, I can tell you that there's not an erosion control problem being in the construction business until you begin to stump and disturb the earth, that's been my experience. As I said, I don't have all the answers. Anybody else? Couple things, Dominic, is this a lawful public hearing tonight?

MR. CORDISCO: Well, yes, I think it's a lawful public hearing, I mean, the comments that are raised are fair comments regarding the board's obligations under SEQRA to the extent that SEQRA requires the board to evaluate and take a hard look at the resources that are impacted, including visual and historic resources but it's also important to note that the board hasn't concluded the SEQRA process yet and the purpose of holding a public hearing, holding a public hearing fairly early in the process is to introduce the public comment.

MR. ARGENIO: So it can be incorporated into the plan.

MR. CORDISCO: That's correct, different agencies treat public hearings differently. For instance, the Department of Environmental Conservation holds its public hearing after it completes the SEQRA process. Now of course they, you know, have a great deal of expertise in the SEQRA process. So they're more capable of rendering a SEQRA decision and then inviting public comment afterwards but the reverse I think is true amongst most planning boards because the planning boards can invite public comment and learn things that we as the planning board, you as planning board can evaluate without necessarily being a professional in that arena. That said, these plans are going to be subject to change and for no other reason that the Department of Transportation has turned down the access road or, excuse me, the access point that was being

proposed and as a result, it's fair to say that for that reason alone the public hearing should be kept open because the plans are going to have to be revised and those revised plans should be evaluated and allowed to be commented on by the public in terms of my recommendation.

MR. ARGENIO: I think that and this is only my opinion there's four other people up here, I think we got some good comments tonight, we got some good comments tonight and absent advice of counsel I think I'm going to close the public hearing because Bill, you have never been silenced in this room, at least not as long as I've been here.

MR. STEIDLE: I'm not suggesting that but I want the opportunity to speak during a public hearing, not during at the end of a meeting when everybody wants to go home, I raise my hand.

MR. ARGENIO: I understand your point. My point is that you've never been silenced here and as long as your comments are not redundant and repetitive or you're rude which you have never been, you have always been afforded the opportunity. We up here are lay people doing a public service, the comment, what we're supposed to be doing, well, we I think we do a pretty good job, we're lay people from quite a few different disciplines and we're performing a public service for the town for a stipend and we have good quality professionals here of the engineering firm McGoey, Hause & Edsall and the law firm of Loeb, Gogerty, Rodd, Kennedy, whatever it is and we certainly seek counsel for those folks to see to it that we follow the procedural items correctly. As such, unless any of the members take exception to it, I don't have a problem with leaving the public hearing open till that driveway's relocated and that gets squared away, I'd like to hear from the other board members.

MR. SCHLESINGER: I have no problem with it either way, I think that the comments made by the public were very valid. I think that in essence what you're doing is giving us the ball and we're going to run with the ball, you know, I think there's some visual things that could be addressed on this project and Bill you said you'd like to comment on those things. Well, I think the important part of your comment was that these things should be addressed, unfortunately, it's the board that makes the decision whether the building's going to be pink, black or white. Do you understand what I'm saying? Your comment is very well taken in that it should be addressed.

MR. ARGENIO: It will be.

MR. SCHLESINGER: And I think that that's where it should rest and I think Diane came up with some similar and other important issues and I heard them and I think the board has some issues that we could address with the client. I have no problem with the public hearing being left open as long as we don't hear the same type of comments at the next meeting.

MR. ARGENIO: I was going to endeavor to go into that a bit but you said it. Go ahead, Howard.

MR. BROWN: I agree with what Neil said.

MR. GALLAGHER: I have no problems. I just have one question, kind of off the path as far as security getting in and out, Guardian has a punch code security, are you doing anything like that?

MR. SABINI: They have the units in the back, this is a self-enclosed building, once you become a member, you have a code to get in.

MR. GALLAGHER: What about for the people parking their vehicles?

MR. SABINI: Just have cameras on 24 hours.

MR. SCHLESINGER: That's free money, we want those high security.

MR. VAN LEEUWEN: I don't like the whole public hearing open, I'm getting too old for this stuff.

MR. ARGENIO: I agree with you.

MR. VAN LEEUWEN: You're going to get nothing but redundancy.

MR. ARGENIO: Well, I have to say I tend to agree with you, Henry, on advice of counsel though do we need to vote?

MR. CORDISCO: Well, yes, you'll need to.

MR. ARGENIO: Do you have anymore input?

MR. CORDISCO: I have comments, some of them are procedural and some of them I think are relevant to the discussion that's been had so far. One of the first comments is that we have been able to confirm that it is in the historic corridor but in addition to that I think it's important to point out that the use that's being proposed for this site is permitted in that corridor and that the plan that's being proposed also meets as far as I understand it all the bulk area requirements including the height. So in terms of it's allowed under the zoning now that I don't think, I think that's very relevant and it's a very important part of this equation but also factored into the equation is the fact that SEQRA does require you to evaluate visual impacts, especially visual impacts on historic resources and moving forward the board has to decide what if any visual impact analysis are you going to require the applicant to prepare.

MR. ARGENIO: It's going to be subjective.

MR. CORDISCO: Secondly, in additional procedural comment not only does it have to go back to the DOT because they've got to figure out a way to get their DOT permit but revised plans would also have to go back to the County Planning Department. The case law is becoming increasingly clear in a number of decisions, decisions that I have been involved that when you have substantial changes to plans, plans that have already been referred to County Planning and then you've got changes that occur afterwards the plans have to go back.

MR. ARGENIO: Substantially subjective.

MR. CORDISCO: Substantial, I added that word substantial, it's important to note that that word is not in those cases that I have been involved with, in fact, any changes at all--

MR. ARGENIO: Okay, okay, okay, okay, here's what we're going to do, you have to make some changes to the plans, driveway is, substantial change, you're going to make that change, I don't know exactly what the nuts and bolts are with the historic district and the Palisades, what is it called, Dominic?

MR. CORDISCO: The PI district, yes.

MR. ARGENIO: The Palisades.

MS. NEWLANDER: Interstate Park Commission.

MR. ARGENIO: Notifying them we're going to do that so I'm going to suggest that we do hold the public hearing open for one more meeting. And I'm going to say this and I want to be very clear on this, I don't want to at the next meeting get into a lot of redundant things

that we have already talked about, we've heard the public comments on the historic concerns on things of that nature and we're going to address them and my logic and rationale I think that of the other members Henry excluded is that the plan, the changes on the plans are going to be substantial enough where it may warrant us doing that and that's what I'd like to do.

MR. BABCOCK: Mr. Chairman, one comment about the landscape plan, I didn't get to, the count is about 250 260 plantings going back on the site, just for the board's knowledge.

MR. SCHLESINGER: Jerry, I want to bring this up especially being that it's a public hearing something that always bothers me and this project is in the PI zone, the PI zone allows a four story building. Do I think this building is going to stick out like a sore thumb? Absolutely I do. Do I like it? No. But it's allowed, that's not up to this board to determine whether it's allowed and whether it's not allowed. And I think that the public has a misconception of that and you people have to understand that it's not for us to determine whether the building's allowed or not allowed, it's up to us, it's up to us to determine or to subjectively comment on the way the structure is built cosmetically and so forth, which are things that you have a concern about, you addressed the concern and I definitely hear you and I'm sure the other members of the board do as well.

MR. BABCOCK: The building height he's allowed 61.2 feet.

MR. ARGENIO: Lawfully?

MR. BABCOCK: Yes, by code.

MR. SABINI: Can I ask you something? This entrance has to be slid down ten feet, that's substantial.

MR. ARGENIO: Yeah, because you may end up changing the entire pond. I don't know if you have to or not but you may have and the consequence of that is going to be that you're going to have to change the landscaping. So I certainly don't, next time, next time we're going to talk, board is going to talk about this and give him some input, we'll leave it open, let's not kill ourselves tonight, that could be an issue, yeah, I don't know, I mean, glancing at it tonight I really can't tell you. Anybody else have any comments or questions?

MR. SCHLESINGER: Being that we're leaving this open and I think that it may be to your benefit if you address it before the next meeting is that I have a concern about the cosmetics of the building, you know, we're in a historic area. I did what I had to do when I built the restaurant, my restaurant.

MR. ARGENIO: You certainly did.

MR. SABINI: Restaurant's nice but Ganin Tire is across the street.

MR. SCHLESINGER: That went through my mind, Ganin Tire is in a hole, hold on, if Ganin Tire was not in a hole, I think that I agree with what you're saying.

MR. ARGENIO: But you know what--

MR. SCHLESINGER: I don't know how Ganin Tire got there, I wasn't part of the board, it's something beyond this board, I think, but I agree with your comments.

MR. ARGENIO: Unfortunately.

MR. SCHLESINGER: But it's there, I gotta address your project.

MR. ARGENIO: I would make the analogy of Automotive Brake that's certainly not a historic building, but I will give you the reality, there's a law in front of the New York State senate that's going to reduce the wetland impact from 12 acres to one acre.

MR. CORDISCO: Actually increase the DEC's jurisdiction from 12 acres down to one acre.

MR. ARGENIO: Things evolve, they do evolve so Neil is right, we can't back up. Listen, we talked about a lot of things here, you have work to do the things that we talked about which are not sole issues, I encourage you to take Mark's comments, Mr. Zimmerman heed his comments and make the corrections that he needs made and we'll talk about some of these other things next time. And as I said, I want to be very clear about this, I don't want to get in a lot of redundancy, this is very unusual to leave a public hearing open and the only reason I'm doing it is on the advice of counsel and the fact that that driveway change is going to be a pretty sweeping change and I think it's a good idea, I don't want to be redundant when we close this thing. Thank you. Have a good night. I'll take a motion that we table this public hearing.

MR. SCHLESINGER: I'll make a motion that we table the public hearing for one meeting.

MR. ARGENIO: One meeting.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board table, am I using wrong terms?

MR. CORDISCO: My only concern that it's dependent on the applicant because they're going to have to revise

their plans.

MR. ARGENIO: Wait a second, I don't think he means sequential meeting, I mean the next meeting.

MR. CORDISCO: You didn't mean later this month.

MR. SCHLESINGER: No, no, no, that's it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board table this public hearing. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

VAILS_GATE_BUSINESS_PARK_(06-32)

MR. ARGENIO: Vails Gate Business Park. This application proposes the redevelopment of the former Tarkett facility with general manufacturing, industrial processing and self-storage. The plan was previously reviewed at the 13 December, 2006 and 25 April, 2007 planning board meeting. To refresh the board's memory, this is the one that Cornwall took lead agency on and Mr. Wolinsky is here to represent this. Give us a brief summary of where you are and we certainly have comments here from Mark.

MR. WOLINSKY: This is the existing Tarkett manufacturing facility which has applied for an adaptive reuse which will break it down into some light manufacturing, some warehousing and storage. As you point out, Mr. Chairman, that has been extensively reviewed by the Town of Cornwall and as most of the property is in that town and recently the Town of Cornwall has issued a negative dec and its approval for the project. I understand that the project was before this board last month, the approvals from Cornwall have occurred in the intervening time period and we're here this evening before you hopefully to finish up the process, it has been referred to the County, the County signed off in February with an approval letter.

MR. ARGENIO: I have in my hand the negative dec from Cornwall which came through I think today.

MR. CORDISCO: Well, it was adopted Monday night.

MR. ARGENIO: I received it today on my e-mail so comment 2 of Mark's comments, plans have received significant additions and corrections as part of the ongoing Town of Cornwall Planning Board review, that board adopted SEQRA negative dec resolution, okay, I

didn't realize Mark got that in his comments, okay.

MR. DENEGA: Revised that as of this afternoon.

MR. CORDISCO: If I could expand on additional procedural status of this, if you recall this planning board waived public hearing with a condition that the Town of Cornwall public hearing when those notices went out--

MR. ARGENIO: New Windsor residents are notified.

MR. CORDISCO: That's correct. That was done, there was a public hearing before the Town of Cornwall and as Mr. Wolinsky points out, the plans were referred to the County Planning Department and the County Planning Department picked up on the fact that it was across municipal borders and the report that came back referenced the fact that it was both in the Town of Cornwall and Town of New Windsor. And so I think that the requirements of the General Municipal Law have been satisfied in this regard.

MR. ARGENIO: We don't have to submit to the County?

MR. CORDISCO: No, you do not.

MR. ARGENIO: At least something makes sense tonight. I don't have any problem with this application. I want to hear from the other board members. My main concern was traffic and Phil Greely of John Collins was here at the last meeting and he certainly allayed the concerns that I had but again, Neil or Howard?

MR. SCHLESINGER: There was an issue with the sight distance by the Thruway landscaping to the left to the west of the driveway.

MR. WOLINSKY: That's right, the traffic study recommended that an area, a triangular area be cleared

of vegetation, that's been incorporated into the approval resolutions and we would certainly have no problem with it being a condition.

MR. SCHLESINGER: Matters so that the landscaping can't grow back, it's supposed to be cleared so I don't know how it's going to be addressed.

MR. WOLINSKY: It will have to be maintained.

MR. ARGENIO: So Mr. Wolinsky that area when you visually look to the left is going to be cut down, when I say cut down, the grade will be lowered, is that correct?

MR. WOLINSKY: I'm not sure, I'm not a hundred percent sure.

MR. ARGENIO: I'm almost positive, let's just make a little note of this, just check this, the topo on the plan to the left of that entrance showed the grades being changed there last time somebody in this room up on this dais probed that question quite thoroughly last time as I recall.

MR. VAN LEEUWEN: I did.

MR. ARGENIO: Yes.

MR. VAN LEEUWEN: Cause that's been a problem there as long as I can remember, if they don't cut that hill down the little knoll.

MR. GALLAGHER: Mentioned regrading it.

MR. ARGENIO: Yes, he did mention that.

MR. CORDISCO: Yes, I believe that those changes have been shown on the plans.

MR. WOLINSKY: Yeah, the negative dec refers to removal of vegetation but I don't have the actual grading plan with me.

MR. CORDISCO: The written resolution that I have prepared for this board's consideration requires that they post bonds or other form of security to ensure that the off-site improvements are made.

MR. ARGENIO: So if it's not done we have a bond in place to compel them to do it and it's in the minutes now it's certainly in the minutes.

MR. WOLINSKY: That's fine with us, Mr. Chairman.

MR. ARGENIO: Very good, Mr. Wolinsky. Anybody else? Dominic, do we have to, we have to vote to accept the negative dec, is that correct?

MR. CORDISCO: You should vote to rely on the Town of Cornwall's negative declaration cause they did the coordinated review, as you recall, so I think you don't have to adopt one, you can adopt the Town of Cornwall's if you so choose.

MR. VAN LEEUWEN: I make that motion.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board adopt the negative dec declared by Cornwall. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE

MR. ARGENIO AYE

MR. ARGENIO: What else do we need to do?

MR. CORDISCO: Grant site plan approval.

MR. ARGENIO: Even though they're--

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: motion has been made and seconded that
the Town of New Windsor Planning Board offer final
approval to the Vails Gate Business Park former
Tarkett. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

WINDSOR_GATE_PLAZA_EXPANSION_AMENDED_SITE_PLAN_(07-09)

MR. ARGENIO: Application proposes some adjustments to the recent site plan approval number 5-29. The amendment was previously reviewed at the 14 March, 2007 planning board meeting. Just to refresh everybody's memory, they did have final approval and they wanted to make some changes and amendments to the site and when they came in to make those changes and amendments that was when they came in on the 14th of March, 2007. The other approvals were prior to that. Sir, can I have your name for the record?

MR. CAPPELLI: Alfred Cappelli, architect.

MR. ARGENIO: Can you tell us about what you're doing here?

MR. CAPPELLI: Sure, the size of the addition and the area of the blacktop parking all remains exactly the same, parking lot configuration, building configuration what we attempted to do is reconfigure some parking as we mentioned to the rear of the building we eliminated the parking that was on the previously approved site plan because we felt that was a perfect spot for our retail deliveries in the rear of the building. We have taken those parking spaces and put them to the rear of the building. We needed another means of egress via a stair tower, as we discussed, so on the right side of the addition there was enough sidewalk area given to us by the previous engineer that allowed us to put a stair tower to facilitate egress from the second floor of our addition. If you recall, there was a second floor bridge if you will between the existing building and the proposed addition but it was open underneath and we proposed to close that ten foot wide, I believe it's 10 or 12 feet wide connection downstairs creating a two story lobby and that would be our means of vertical circulation with our stairs, elevators, et cetera. There was some issues with the depth of the sidewalks

in the front of the building. The original plan had five feet and I believe we discussed the fact that as my cars come parking up against that five foot deep sidewalk and the car overhanging a sidewalk nobody's going to be able to get out a door of one of the retail stores, we made that eight foot deep not affecting any of the parking. We also made a change to the area in the front which was very heavily landscaped and at the time we felt that it was going to detract from our center lobby which we wanted to create visibility so we created a little entrance plaza which between last meeting and this meeting we blew up for you to show the type of planting and seeding and--

MR. ARGENIO: I think Neil had requested that.

MR. CAPPELLI: Well, and we have given that to you. And I believe the original square footage as incorrect we have corrected the square footage on the building, the existing building, for instance, had the incorrect square footage we changed, that did not affect the amount of parking or anything like that, we just corrected that from what the original engineer had and I think that's pretty much the changes we made. And when we discussed it with the board last several months ago I believe we all concurred that it was a much better plan than was preliminarily presented to you and I believe we had to come back this evening because of the county, the letter from the county we had to send them site plan out to the county.

MR. ARGENIO: I have fire approval on 3/14 of 2007 and for the benefit of the board members we should go to Mark's comment here cause he summarizes rather nicely, this is a simple amendment which cleans up some deficient layout issues from the prior plan. All requested corrections to this amendment have been accomplished, other than a minor typo, I'd like to very briefly go into Mark's summary of the county's comments.

MR. CORDISCO: I have some comments on that as well.

MR. ARGENIO: I'd like to hear from you first and the question I'd like to ask you in maybe a paragraph or so is it seems as though we're getting lot of comments of late relative to renderings of headwalls and things of that nature, what's the scope of this law, Dominic?

MR. CORDISCO: Well, the scope of the county referral process is that the County Department of Planning reviews applications that are triggered by certain criteria such as proximity to a municipal border, so when you have a project that's near the Cornwall border or near a state or county road that application has to be referred to the County Planning for their comments. Comments on what exactly I think is what your question is and the statute speaks to comments regarding regional concerns, intermunicipal concerns, that's not to say that the County Planning Department in practice doesn't comment on specifics of the plans as you know they often do. In here essentially the county has three options when making comments in addition to the detailed comments you'll see at the very end they recommend one of three things, they either recommend approval or local determination or a denial. For this one, they have recommended that it is a local determination which means--

MR. ARGENIO: It's up to us.

MR. CORDISCO: That's right.

MR. ARGENIO: But they still will make suggestions.

MR. CORDISCO: Yes, in fact, they said that specifically that the county makes the following recommendations, now they're recommending things which I think you can take the comments and evaluate them and decide whether or not you want to incorporate them.

MR. ARGENIO: I think they have done a pretty good job with this site, they have accommodated Neil and changed the courtyard area in the front, they did the renderings, Neil or Howard, do you have any comment on this?

MR. SCHLESINGER: I'm sure that Mark went over it, I mean by doing away with the bridge and enclosing that and creating a lobby that makes the building bigger, parking spaces are in the proper amounts and everything.

MR. BROWN: They did everything Mark asked for.

MR. GALLAGHER: No, I have nothing.

MR. VAN LEEUWEN: I have no comments.

MR. ARGENIO: Okay, you need to correct the parking table to reflect 110 total parking spaces of which 5 are handicapped, that's what your approval will be subject to.

MR. CAPPELLI: That's fine.

MR. ARGENIO: Dominic, have I missed anything?

MR. CORDISCO: No, I have prepared a resolution granting amended site plan approval. I have incorporated the recommendations made by Mr. Edsall as to what that approval should include, including that one you mentioned regarding the parking spaces and there's also a condition in there that all the prior conditions of the prior site plan approval would apply to the amended site plan approval.

MR. ARGENIO: Motion that we accept that resolution.

MR. VAN LEEUWEN: So moved.

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MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant amended site plan approval for Windsor Gate Plaza site plan amendment on Route 94. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, sir.

DISCUSSION

JOE_BONURA_-_PARKING_CARS_ON_RIVER_ROAD

MR. ARGENIO: Next is the Joe Bonura temporary use approval, this is a discussion item, I believe, yes, I see Mr. Bonura in the audience. How are you?

MR. BONURA: Hello. Good.

MR. ARGENIO: Can you give us a quick synopsis of what you have going on here?

MR. BONURA: Yes, I've got some plans here that I drew up.

MR. ARGENIO: Go ahead, Joe, this is across from Mystic, Joe, is that right?

MR. BONURA: Across from the oil place, the tanker place.

MR. ARGENIO: Mystic with the green trucks.

MR. BONURA: They came to me and wanted to know if they can park some cars there for a year and possibly two years, so I said yes, the cars are there and then I decided that I better find out if they're legal there or not.

MR. ARGENIO: Cause you never know.

MR. BONURA: So I went to the building inspector and asked him and he said to make a sketch, come to the planning board and show exactly what we're doing and that's what I did so temporary two years at the maximum right now anyway.

MR. ARGENIO: Okay, let me ask you a couple questions. Will this activity produce any excessive noise, dust or

have any other disturbance to the areas or neighbors?

MR. BONURA: No.

MR. ARGENIO: Any grading modifications or improvements proposed as part of the temporary use other than those imposed by this board or Mike Babcock?

MR. BONURA: I don't think so.

MR. ARGENIO: No signs, lighting, trailers or like are proposed as part of this temporary use?

MR. BONURA: No.

MR. ARGENIO: Have you been down there, is it a problem?

MR. BABCOCK: No, no, I asked the fire inspectors to go look.

MR. ARGENIO: I'll get into that. You're okay with it?

MR. BABCOCK: Yes.

MR. ARGENIO: I have a note here from Francis Bedetti. this office has no issues with the use of said property for the storage of new vehicles providing that, address gets posted on the property, the storage yard is accessible through the two gates, two at 25' fire lanes, 1 lane at each gate, storage of new vehicles only.

MR. BONURA: What they have done they have parked a truck in front of the gates so they think it's going to stop somebody from going in but I told them they had to move it so that's being taken care of.

MR. ARGENIO: You need 15 foot lane at each gate at all times for fire access so they can't park the cars in

there like sardines.

MR. BONURA: It's there, they're not using anywhere near the space.

MR. ARGENIO: Storage of new vehicles only?

MR. BONURA: New vehicles only.

MR. ARGENIO: The board needs to determine, you guys can chime in, let me know what you think that this use is minor, temporary use of the land having negligible or no permanent impact on the environment, do the members agree?

MR. VAN LEEUWEN: I don't see where it's going to have any impact.

MR. SCHLESINGER: No problem.

MR. GALLAGHER: No problem, I agree.

MR. ARGENIO: Joe, do you have a time period or I'll ask the board?

MR. VAN LEEUWEN: He said two years.

MR. ARGENIO: Well, we're thinking maybe at some point in time Henry like within a year we should have Mike just go down and take a look, make sure everything's okay.

MR. VAN LEEUWEN: He'll do that anyway cause I know Mike.

MR. BABCOCK: We can do that if there's a problem.

MR. ARGENIO: We'll get a phone call, it's a largely industrial area.

MR. ARGENIO: You have a use for two years, Mr. Bonura, Mike is going to, Mike will take a ride down there after 12 months and do a formal review and give us some kind of a note or something. Are you guys okay with that?

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: You need a motion?

MR. ARGENIO: Do we need a motion? Give me a motion.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: To grant temporary use of this property to park new cars.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer Mr. Bonura temporary use to park new cars down there for up to two years. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

RPA_SITE_PLAN_UPDATE_BOARD_ON_PROPOSED_PLAN_AND_SEIS_

STATUS

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: The RPA site plan and multi-family development on Ephiphany Drive. This is an update and Mr. Shaw has elected to come here to give us an update on where he's at with these plans. This project's been bounced around quite a bit, it's in the PUD, originally, it was single family homes, quite dense and now it's condos. And just for the board's edification, there was some discussions at the Town Board level about this project, different things that the town needs. At this point in time, there's other work associated with this project that Mr. Shaw will share with us tonight that's off the site that this project is impacting and it needs to make improvements off-site and they have agreed to do those improvements. Also included here was a dedication over to the lands of Shedden, inasmuch as this is probably about our last opportunity to get a through road around Vails Gate they have offered to, they reconfigured the plan and they have offered to offer an easement in the back of the property at some point in time hopefully in my lifetime we can see a public road go all the way out to 300 to alleviate the problem that we have all lived with for years and years and years in Five Corners.

MR. VAN LEEUWEN: It's been a problem for 30 years.

MR. ARGENIO: So even predates you, Henry. Greg, please.

MR. SHAW: The last time I was before this board was in November of last year and at that time we presented a proposal to eliminate the single family homes in this section of the project and replace them with condos. The board really had two questions at that time that

they needed answered, one was is the PUD permit still valid, okay, and I in turn wrote a letter to the Supervisor asking the Town Board to make that determination and they did correspond and I believe we have a copy in your file stating that the special permit for the PUD is still in place. And the second question that the board had is how does a unit count on this project compare with the unit count that was proposed back in 1989 and 1990 when the special permit was granted. And in November I wrote to you a letter and again you should have that copy in your file basically stating that the unit count is with this present plan is 9 units less than what was on the special permit, okay, so I took care of the two main issues that the board had at that time. Following that meeting and following those two pieces of correspondence, we were asked to investigate a possible through road over to 300 and when we went back and reviewed our plan to indicate such and it would be an extension from the existing cul-de-sac of Epiphany Drive along the property of RPA which is sandwiched between Petro and the school district into the 55 acres of our property and as you can see on the plan we have a temporary cul-de-sac and we also have an area which is in the shape of a triangle, actually a trapezoid which would also be given over to the Town of New Windsor so that when the Shedden property ever gets developed, all right, there's an opportunity for the developer to extend this proposed town road from this temporary cul-de-sac which is going to be located in the Central Hudson easement and extend it out to Route 300. That's something that certain people in the Town of New Windsor felt was important to investigate cause this is probably the last opportunity in New Windsor to interconnect Windsor Highway with Route 300 cause as you move further south you get into Conrail and existing properties already developed and creates a whole host of issues.

MR. ARGENIO: The purpose for the trapezoidal

arrangement, the odd shape is what was suggested to Greg was that we don't know what's going to happen with the Shedden property and we wanted to have as much room as possible to tie that road in cause who knows who's going to buy it, it will happen one day, might be five years, might be 40 years but we wanted as much latitude as possible.

MR. SHAW: The most optimum connection point may be in the center or may be to this extremity or to that extremity with this configuration they have the flexibility to move the road whichever way they wanted to to accommodate them.

MR. VAN LEEUWEN: Is the place with the 68 single family homes, Greg?

MR. SHAW: That's where the single family homes were, this was always a condominium, all right, from our first presentation.

MR. VAN LEEUWEN: This is built, in other words--

MR. ARGENIO: No, this is proposed, how many units are all totaled?

MR. SHAW: 177, I believe.

MR. VAN LEEUWEN: It was 68 proposed before, right?

MR. BABCOCK: It's 68 single family homes plus the condos.

MR. SHAW: No, 28 single family homes plus the condos, this section right here which is 97 units, this has not changed, this is the identical layout from the first time we came into this board four years ago. The only thing that's changed is this area west of Central Hudson which originally was 28 single family homes that's been replaced by condos.

MR. VAN LEEUWEN: How many?

MR. SHAW: Eighty condos for a total of 177.

MR. VAN LEEUWEN: So we went from 28 to 77 condos?

MR. SHAW: Twenty-eight single family homes to 80 condos. Show you some figures, I'd like just to bring out to the board's attention if I can I submitted a letter to the board tonight, I'd like to read it. During the environmental review by the Town Board in 1989 for the Planned Unit Development Special Permit for Sky-Lom New Windsor Development Corporation 186 residential units were proposed on the subject 55.1 acres. That's our parcel. The plan before you tonight dated May 2, 2007 indicates 177 condos, 9 less than the number of units granted in the special permit. Next bullet. The project site consists of 55.1 acres after deducting the 7.6 acres of the Central Hudson Gas and Electric easement and 6.8 acres of wetlands, 40.7 acres are available for development. At the development rate of one per 7,000 square feet which is permitted in the adjacent R-5 zone, 253 multi-family units would be built on the project site which is in excess of the requested 177 condos. The point being is that the zone adjacent to our property which is owned by Mr. Petro which is R-5 allows one unit for every 7,000 square feet, two if we were to build it out according to that adjacent zone we'd be allowed 253 units, we're building 177, substantially less. In the third point I made in my letter is that the density of the proposed Patriot Bluff condos is substantially less than the recently constructed Patriot Ridge condos. Patriot Bluff will consist of 177 condos on 40.7 developable acres which translates into 4.4 units per acre while Patriot Ridge condos consists 102 residential units on 14.6 or 7 units per acre so we're about 60 percent of the density on this project from what you see on Patriot Ridge. Again, substantially less. So I submitted that to the

board and it will kind of give the board a feel for the density of what we're proposing, how it fits in with the adjacent zoning in the area, how it works with the special permit and also how it can compare to the Patriot Ridge condos, what you see as you drive up Union Avenue.

MR. ARGENIO: The purpose of Mr. Shaw's visit tonight guys is to introduce us to what he's considering and we certainly are not in a position right now tonight to say yes or no, but it's an introduction to the project. Dan Simon is a professional engineer, he's here as well if you have any technical questions, he can answer them, but this is again very, very, very early, very early in the process and there it is.

MR. SHAW: One other thing I'd just like to bring out to the board for discussion is and again we're not looking for an answer tonight, just for your consideration is in lieu of condos what we would like to do is to put each and every residential unit on a lot and the lots would extend along the common walls of the units and each lot would have and the numbers or flexible 20 feet of property in the rear and 10 feet on the sides for the end units and approximately 20 feet, no, ten feet again, excuse me, as a front yard. What does that do, okay, it really doesn't affect the project whatsoever, as you ride through the project site, everything will be the same, there will be private roads that will be maintained by a homeowners' association, won't be a condo association, everybody is going to own the land under their building, it will be a homeowners' association will be responsible for the maintenance of the road, the plowing, the garbage, et cetera, the same as you would have in a condo project. Where the benefit comes in is into the Town of New Windsor, the Town of New Windsor from a tax point of view will be much better off if these are home sites on individual lots taxed as individual home sites even though they're attached as opposed to if they're a

condo where I believe your assessed valuation is going to be based on the value of the condo project as opposed to separate entities. So we would like to propose that.

MR. VAN LEEUWEN: It's always more in separate entities, no doubt about that.

MR. SHAW: What it will do is put more tax dollars in New Windsor's pocket with no additional maintenance whatsoever cause it will--

MR. ARGENIO: Why didn't we do that the first time?

MR. SHAW: I don't know the answer.

MR. ARGENIO: It's an obvious question.

MR. SHAW: It wasn't discussed in the PUD already and we were basically following the guidelines of the special permit.

MR. VAN LEEUWEN: It's an awful density from 28 to 80.

MR. ARGENIO: Greg, I certainly think it's reasonable to allow the board members to consider this thing a little bit, I'm sure I know at the very least, Neil, I'm sure all these people here will go to the Town Hall and review this privately when they have time to digest it, what are you looking for from us tonight?

MR. SHAW: Really just get the discussion process going, I would like to point out, you know, as Mr. Van Leeuwen mentioned the density, one of the reasons for the increased density is that we have obligations that we intend to meet with the Town of New Windsor, New Windsor is looking for improvements to their water system off-site, has nothing to do with us but they're looking for assistance in that, they're looking for assistance on downstream drainage issues, okay, which

we have committed to help them out.

MR. VAN LEEUWEN: I know there are issues there.

MR. SHAW: They're looking to relieve the surcharging or overflowing of the manholes that flow through the Petro property and through Lander's property, they're looking for us to alleviate that problem, I don't want to get into specifics, the numbers are substantial, all right, my client feels that this increased density will have to offset that cost.

MR. VAN LEEUWEN: So you're looking for an increased density of roughly 40 units?

MR. SHAW: Well, it's a little bit more than that to be specific, 80 minus 28, about 50 units.

MR. VAN LEEUWEN: Fifty-two to be exact, that's an awful lot of units, I have to find out what the rest of the--

MR. ARGENIO: And again this is introduced and let me just--

MR. SHAW: I bring up the off-site improvements, I mean, that's an issue with the Town Board, it really doesn't deal with the planning board cause your job is to deal with the developments, not whatever contributions are being made with the Town Board, you have to feel comfortable.

MR. ARGENIO: Those improvements are necessary for this project.

MR. SHAW: Correct.

MR. VAN LEEUWEN: You just took the words out of my mouth, otherwise, this would never go.

MR. SHAW: Not all the improvements.

MR. ARGENIO: That's the way it's been explained to me but continue, it's not incredibly germane.

MR. SHAW: I'm done.

MR. VAN LEEUWEN: I just want to see how many units it's going to cost us to get done what we want to get done, see if it's fair or not.

MR. ARGENIO: We're going to look at it and discuss it, it's an introduction to the project. Anything else?

MR. SHAW: That's it.

MR. ARGENIO: That's a big project, to the board members, it's a big project and as Greg said, the improvements are necessary for this project but there certainly are spillover benefits whenever you improve infrastructure.

MR. SHAW: One is not tied to the other, the cost of the improvements is not tied to the density, it's just that we would like the board to consider a higher density than what was previously submitted, all right, and I give you the reasons why, but it's not as if we were paying for the improvements and you give us the density, they're not attached. And the point of the correspondence and I wish you would read it is that the points I made with respect to how we compare to the special permit, how we compare with the adjacent zone, how we compare with Patriot Ridge are legitimate points.

MR. ARGENIO: That's important to me, I think I asked you that question how do you compare?

MR. SHAW: We're about 60 percent, that's after we deduct, 60 percent is after we deduct wetlands and

Central Hudson easement.

MR. ARGENIO: It's net, understood, okay.

MR. BEDETTI: Francis Bedetti. The question I have is this part of that PUD development?

MR. ARGENIO: This is.

MR. BEDETTI: Isn't the requirement that there be a minimum of 10% single family detached dwellings in that PUD development? The ones that were originally planned seem to be taken out now being replaced with--

MR. VAN LEEUWEN: What they're going to do, can I explain it to you, they're going to take, they have approval for 28 units, they want approval for 80 units so they need, they want and also going to ask the town to help themselves also, okay, but they want 52 units more than what's originally approved.

MR. BEDETTI: But there will be no single family?

MR. ARGENIO: That's correct.

MR. BEDETTI: But the PUD requirement is a minimum of 10%.

MR. ARGENIO: I don't know that that's the case, it could be, I don't know the PUD to be very frank.

MR. BEDETTI: Well, according to the E-code 300-28 says that minimum of 10% single family detached.

MR. VAN LEEUWEN: He's right.

MR. CORDISCO: We can check that but the important point here this is a PUD that was granted by the Town Board and that's truly a town, if there's going to be an amendment or whether or not there's compliance with

the PUD is in large part a Town Board issue.

MR. BABCOCK: Mr. Chairman, also on the RPA site right now most of those units are considered single family homes, they're attached single family homes but they have a fire wall in between each unit and they run from ground to floor.

MR. SCHLESINGER: I'm just confused about one thing, maybe you can help me on this, Patriot Bluff talking about condos, what are these?

MR. VAN LEEUWEN: Those are townhouses, they own the land.

MR. SHAW: Those unit types are residential unit types that you see with Patriot Ridge, just a question of the form of ownership.

MR. SCHLESINGER: Wouldn't that affect our zoning?

MR. SHAW: That's a very good point, with respect to single family homes, they're single family homes, they just happen to be attached.

MR. SCHLESINGER: But they're not condos so we're talking about apples and oranges.

MR. SHAW: The plan indicates condos, I'm asking the board to consider single family attached, each house on their own lot.

MR. SCHLESINGER: Isn't there a different package that goes along with the condos as opposed to these single family homes?

MR. SHAW: A different package?

MR. SCHLESINGER: Meaning zoning package?

MR. SHAW: Yes.

MR. VAN LEEUWEN: That's called a townhouse and the other one's called when the property's commonly--

MR. SCHLESINGER: I don't care what you call it, private home, townhouse, whatever you want to call it which I think will affect the zoning so I think that that's another issue. Am I right?

MR. SHAW: Well, the point that Mr. Bedetti made about being single family homes, they are single family homes.

MR. BEDETTI: Single family detached homes.

MR. SCHLESINGER: We want to change the PUD to condos and maybe consider this.

MR. SHAW: Well, let me back up for a second, maybe we're getting off the beaten path a little bit. The 28 units single family units were not approved, all right, they were concept drawings which I initially presented to this board, so not as if they're approved for 28 and now we're trying to give up 80. We came in for concept on the 28th for this piece and now we're suggesting an alternate for the board to consider. So they're truly not approved and that's really the point I want to make.

MR. SCHLESINGER: I understand that.

MR. ARGENIO: Neil, we'll have ample time to go over this. Anything else?

MR. CORDISCO: No.

MR. DENEGA: No.

MR. ARGENIO: Motion to adjourn?

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MR. SCHLESINGER: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer